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ABSTRACT

Much has happened both in Vocational Education and in civil rights since the early days. One important development has been the rapid growth of the area vocational-technical school, a growth made possible in part by the Federal money assigned by the Vocational Education Act of 1963 and the amendments of 1968. All kinds of vocational schools have one thing in common: they receive Federal funds, and their eligibility to continue receiving Federal assistance depends on their compliance with Federal civil rights law. The Office of Civil Rights (OCR) will examine the compliance status of some 1,500 area vocational schools, in all States. This figure of 1,500 represents those schools with Federal financial assistance for which OCR has not yet been able to make a determination of compliance with civil rights law. Preliminary findings showed that compliance problems based on the race of students appeared to be relatively small, less than 10 percent. Two other findings of the survey that will have impact on each State vocational system were the chronic lack of minority instructors and discrimination on the basis of sex. (BP)

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Enforcement of Civil Rights Statutes in Area Vocational - Technical Schools

by

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This opportunity to talk with you today could not have come at a better time.

For most of the years the Office for Civil Rights has been in operation, there have been too few occasions when civil rights administrators and vocational education administrators could turn their mutual attention to civil rights law.

The reason for our not getting together sooner, I think, is that we have not exactly been on the top of one another's priority lists. Both of us have had some very pressing assignments to carry out in the past few years and they did not necessarily include respective participation.

The development of public vocational education in its latest, modern phase began just over a decade ago with the passage of the Vocational Education Act of 1963. This legislation offered enormous challenges for the organization and administration of vocational programs to reach every willing learner in every State of the Nation. It was a big job, a job that meant expanding old programs, building new schools and shops, training and hiring instructors, attracting able students and finding them work when they graduated. But we were busy, too.

Our job began shortly after the passage of the Civil Rights Act of 1964. Title VI of that Act prohibits the use of Federal funds for programs that discriminate as to race, color, or national origin. In the early days of our program, the first order of business was to help dismantle the dual school system. But because HEW's funds also go to colleges, hospitals, nursing facilities and to the big State agencies dealing with health and welfare, we found ourselves over-extended to begin with. Along the way we picked up some more responsibilities.

In addition to Title VI, our office now also enforces Executive Order 11246, which prohibits employment discrimination as to race, color, national origin, religion and sex by institutions receiving Federal contracts. We also enforce two more recent laws. One is Title IX of the Higher Education Amendments of 1972, which rules out sex discrimination from kindergarten to the graduate and professional schools -- including vocational schools, and another is Titles VII and VIII of the Comprehensive Health Manpower Act, also dealing with sex discrimination in health manpower and nurse training programs.

So while the States were building up their new vocational education programs, the Office for Civil Rights was working to break down old patterns of racial discrimination in thousands of school districts. Whatever contact OCR had with vocational education was indirect. We were dealing with school boards and their administrations; our prime area of concern was elementary and secondary schools. Where vocational education was an integral, internal part of a secondary curriculum, we looked on it as a curriculum program on a par with others such as social studies, the sciences, or English. Vocational education was, as OCR viewed it then, a component of the entire comprehensive education program offered by the school systems we were dealing with.

Then, too, we were fully aware that in the early days we had asked the States to submit to us their assurances of compliance with Title VI.

These written assurances, known as HEW Form 441, constituted a commitment by State Boards of Education that all activities under their direct supervision, including vocational and technical schools, would be bound by the Title VI provisions against discrimination by race, color or national origin, and

these assurances have been accepted in good faith for that commitment. Since the submittal of these assurances in 1966 and 1967, our Office has not undertaken a concerted compliance effort directed at such State programs, nor has any State been subject to enforcement proceedings as a result of our efforts.

But much has happened both in vocational education and in civil rights enforcement since the days of the Form 441. One important development has been the rapid growth of the area vocational technical school -- a growth made possible in part by the Federal money in the Vocational Education Act of 1963 and the Amendments of 1968. A decade ago there were 400 institutions in the country that met the legal definition of an area vocational school. Today there are 2200, and more are planned. The success of the area vocational school is due to its broad appeal, and the direct access it offers to a job and a career. More than that, it has liberated vocational education from the "shorthand-and-shop" curriculum which used to be all that most high schools could offer. The area school has transformed adult education from what used to be known as "night school" into more meaningful career development for

working people of every age.

Above all, the area vocational school is a community enterprise. It goes far beyond the traditional boundaries of school administration. It can draw its students from many high schools, many school districts, many counties - even an entire state. As part of the community college system of many states, its students are able to combine vocational studies with college-level academic courses. What the communities, their businesses, and industries found to be an economic and social need, your state agencies have been able to resolve through local planning and hard work. The area vocational technical school is here to stay.

Area vocational technical schools have one thing in common: they receive Federal funds, and their eligibility to continue receiving Federal assistance depends on their compliance with Federal civil rights law.

That is why I began these remarks by saying that our meeting today could not have come at a better time.

Beginning this coming summer OCR will examine the compliance status of some 1500 area vocational technical schools in all states. The figure of 1500 represents those schools with

Federal financial assistance for which OCR has not yet been able to make a determination of compliance. These are the area vocational schools that are not part of regular, comprehensive high schools. They are separate institutions operated in many cases by state boards of vocational education or by joint local boards. These are the schools that have been founded in the last five or six years, schools for which we have had only the barest information regarding the race and sex of pupils and faculty.

We should have been turning our attention to these area vocational schools some time ago, but as I have mentioned our priorities lay elsewhere.

Eventually our obligations caught up to us. The simple fact of the matter is that the Office for Civil Rights has a mandate from the Congress to determine the eligibility of all education institutions to receive Federal financial aid from kindergarten through graduate school. Furthermore, we have been ordered by a Federal District court to name the vocational schools in the southern and border states that are not in compliance with Title VI of the Civil Rights Act of 1964. We

will meet both of these obligations.

Last year members of my staff began to take a close look at the administration and operation of vocational education at the state and local level. We called it a pilot study and we visited state agencies and school plants in Pennsylvania, Georgia, North Carolina, Arkansas and California. This initial effort was not to ferret out possible violators but simply to learn more about vocational education. While nearly all of us in OCR have been to high school and college, few have ever been to vocational school. That is why we had to see for ourselves.

When the pilot study was completed, we told your colleagues in those five states about their compliance problems and I think they are going to do something about them. This is the way we work.

When we have reason to believe that there is discrimination in an area vocational technical school, a team from our regional civil rights office will visit the school to get the facts. If the facts show discrimination, we will inform the administrators of the school and your chief state school

officer of our findings. We will point out what is wrong and recommend corrective action. We call this procedure a Notice of Probable Non-Compliance. It means that the school's eligibility to receive Federal funds will be in jeopardy unless it takes corrective action. And the voluntary solution is always our goal, not the enforcement route. The whole aim of our effort lies in these words -- voluntary corrective action. Despite some opinions to the contrary, there is more to our effort than the cutoff of funds, which is rarely necessary, which rarely takes place, and which can only take place after a school or school district has had an opportunity for due process, including a hearing and the right to appeal any adverse decision.

Throughout the history of the enforcement of Title VI, the Office has initiated hearing procedures against some 600 school districts. Of that number only 200 had their funds terminated. All have had their funds restored because they came into compliance voluntarily or under court order. There is only one district today with funds cut off. In fact, at the peak of massive Southern resistance, there were never more than about 125 school districts with funds terminated at one time. Now

they are in compliance and most were settled by voluntary corrective action.

The first order of business is to identify the schools that show the tell-tale signs of possible discrimination. One way to set our review priorities will be to look at results of the Civil Rights Survey of Area Vocational Technical Schools.

I am sure that all of you here today are familiar with that survey. You were on our mailing list. We sent the forms to the 1500 area vocational schools in February and to date we have received more than 1100 responses. Until all the forms have been submitted we cannot give a substantive report on what they reveal. But we can let you in on a few trends and predictions based on the early returns.

First the good news. From a preliminary look at the Forms, the number of area vocational schools with possible compliance problems based on the race of students appears to be relatively small -- less than 10 percent. It seems unlikely at this point that more than 100 schools will require an on-site review. I think that's a pretty good starting figure. Furthermore, I think that most of the 100 schools will be prepared to take corrective action as soon as the problem is pointed out to them.

I am strongly convinced that most vocational education administrators are committed first of all to training people for careers and not to perpetuating an illegal and discredited tradition.

Now the not so good news. Our survey reports nine schools that are all or nearly all minority in enrollment -- in states that once operated the dual school system -- Alabama, Mississippi, Louisiana and Maryland. These schools will receive first and immediate attention.

In addition, there may be as many as 50 schools with disproportionate minority enrollments. This means that there is a significant deviation between the percentage of minorities in the population of the school's service area and the percentage of minorities in school. In most area vocational schools the two percentages are very close. Where they are not close -- that is, where there are fewer minority students than it is reasonable to expect, we will find out why -- by conducting on-site reviews.

Now for the bad news. There are two major findings of our survey that will have an impact on each state vocational system. The first has to do with the chronic lack of minority instructors in vocational education generally. The second has

to do with possible discrimination on the basis of sex.

Nationwide, the integration of minority students in area vocational schools is commendable, but the integration of instructional staffs lags far behind. Take for example, some preliminary survey figures from the schools in HEW's Region V, which consists of six large central states.

We took a sampling of 79 area vocational schools in Illinois, Indiana, Michigan and Ohio. The total number of vocational instructors in these schools is 2,612. The total number of minority instructors is 135; that is, 5.3 percent. The minority population of these four states is more than 10 percent, and the representation of minorities among all the public elementary and secondary teachers of these four states approaches 10 percent. These states are heavily industrialized, and minorities are a high proportion of the work force at all levels of skill and competence. But they certainly appear to be underrepresented in vocational school staffs. If the reason is discrimination, we will require corrective action.

Another chronic problem in area vocational schools is the separation of programs and coursed by sex. Even more serious is the existence of vocational schools that accept only students of one sex. So far the survey has identified 17

single-sex institutions and I estimate we will have reports on about 40, most of them in the Northeast, where like other parts of the nation, some traditions do not change easily. Title IX of the Education Amendments provides for the elimination of vocational school policies that discriminate on the basis of sex. Their eligibility to participate in Federal programs is in danger until they adopt acceptable plans to transform themselves into institutions that admit both sexes without bias. The development and acceptability of these plans is a job our staff will take on this summer.

The other aspect of sex discrimination in vocational schools has to do with segregation by course. Of the 1000 forms surveyed so far, nearly all listed at least one course that was exclusive to one sex and nearly 60 percent reported that a majority of the course programs in the school were exclusively for males or exclusively for females. Single-sex classrooms in area vocational-technical schools are not the exception.

Surely this is not news to you. Technical and trade and industrial courses have always been the province of male students just as home economics, office practices and health occupations have been the domain of women. Our concern is not

with how many boys choose one field and how many girls choose another. For us, the choice of career is a purely personal one, an exercise in individual rights that must not be inhibited by discriminatory policy. But when an institution establishes a policy, written or not, which says to an applicant: "No, you cannot take this course. It is for boys only (or girls only)," we have a compliance problem.

There are other forms of possible discrimination that we shall be looking into. One of them is the selection of a site for a new vocational school.

Sometimes the site is located in the suburbs, inaccessible to minority neighborhoods. If investigation shows an intent to limit minority participation, we will require corrective action.

Area vocational schools serve local business and industry by training a work force. Also they assist local trade unions in the training of apprentices. If investigation shows that a school is accommodating discriminatory preferences by race or by sex on the part of the enterprises with which it has cooperative agreements, corrective action will be required.

At this point I want to emphasize that the approach of the

Office for Civil Rights to the possible problems just outlined will not be one-sided. Just as we recognize our responsibilities under the law, we have learned over the years that those responsibilities are best carried out with full public knowledge of what we are doing. It makes the job easier all around.

It makes it easier, too, when state agencies are kept informed to the maximum about our activities, our findings and what we plan to do. Again, I say that our meeting today could not have come at a better time.

The task of conducting compliance reviews of area vocational technical schools will fall to the education personnel of our ten regional civil rights staffs. I am instructing our civil rights regional directors to consult with you on possible problem areas well before the reviews begin. I hope to see a continuing flow of communication between our agencies, your educators and citizens, and we need your help.

Together we can work for the stronger guarantee of equal educational opportunity and for the greater effectiveness of vocational learning for everybody whose labor is their livelihood and their fulfillment.

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